

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANNA AFONIN,

Plaintiff,

v.

FOREMOST INSURANCE COMPANY
GRAND RAPIDS, MICHIGAN.

Defendant.

Case No. 3:22-cv-05446-DGE

ORDER GRANTING IN PART
DEFENDANT'S MOTION (DKT. NO. 28)
FOR EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S MOTIONS FOR
PARTIAL SUMMARY JUDGMENT AND
ORDERING EXTENSION OF
REMAINING COURT DEADLINES

Before the Court is Defendant's Motion for Extension of Time to Respond to Plaintiff's Motions for Partial Summary Judgment and for a 60-Day Extension of Remaining Court Deadlines, filed on August 17, 2023. (Dkt. No. 28.) Plaintiff responded on August 29, 2023.¹ (Dkt. No. 30.) Defendant replied on September 1, 2023. (Dkt. No. 31.)

¹ Defendant argues that Plaintiff's response was untimely. (Dkt. No. 31 at 1.) The Court disagrees. Plaintiff's response conformed with LCR 7(d)(2), which requires that any response to a motion for relief from a deadline be filed no later than the Wednesday prior to the noting date. As Plaintiff's response was filed the Tuesday prior to the September 1, 2023 noting date, Plaintiff's response was timely.

1 Defendant first requests that the noting date for Plaintiff's Motion to Confirm Unanimous
2 Appraisal Award and for Entry of Partial Summary Judgment (Dkt. No. 20), and Plaintiff's
3 Motion for Partial Summary Judgment on Statutory Damages (Dkt. No. 23), be modified from
4 August 25, 2023 to September 29, 2023. In support of Defendant's motion, Defendant points to
5 Plaintiff's July 27, 2023 notice of unavailability (Dkt. No. 27), which stated that Plaintiff
6 "agree[d] in advance to any reasonable accommodation should the defendant request an
7 extension to respond." (Dkt. No. 28 at 3.) Plaintiff's response does not lodge any objection to
8 the extension; Plaintiff merely states that he "requests that the court review the dispositive
9 motions filed by Plaintiff . . . and decide whether to give defense counsel a response date." (Dkt.
10 No. 30 at 3.) Given Plaintiff's prior agreement to a reasonable extension for the parties' briefing,
11 the Court finds the extension requested by Defendant to be supported by good cause.
12

13 Defendant further requests that the Court grant a 60-day extension of remaining pre-trial
14 and trial deadlines. (Dkt. No. 28 at 5.) Defendant explains that the parties had been preparing
15 for mediation prior to Plaintiff's counsel's notice of unavailability, and requests an extension
16 such that mediation may be "reschedule[d] . . . when plaintiff's counsel is well" and prior to pre-
17 trial deadlines. (Dkt. No. 28 at 2.) Plaintiff's response states that he "is always willing to
18 mediate." (Dkt. No. 30 at 2.) And Plaintiff concedes that "mediation is unlikely to occur"
19 considering the current trial date of October 23, 2023. (Dkt. No. 30 at 3.) Accordingly, the
20 Court finds it appropriate to reschedule the remaining pre-trial and trial deadlines, albeit with
21 some modifications to Defendant's proposed dates.
22

23
24 The Court, having reviewed Defendant's motion (Dkt. No. 28) and the parties' briefing,
25 does hereby find and ORDER:
26

1. The Court GRANTS Defendant's motion in part.

2. Plaintiff's Motion to Confirm Unanimous Appraisal Award and for Entry of Partial Summary Judgment (Dkt. No. 20) and Motion for Partial Summary Judgment on Statutory Damages (Dkt. No. 23) are renoted from August 25, 2023 to September 29, 2023.
3. The Court modifies all remaining pre-trial and trial deadlines previously set forth in the Court's Scheduling Order (Dkt. No. 17) as follows:

Deadline	Previous Deadline Date	New Deadline Date
All motions in limine should be filed by	September 18, 2023	December 11, 2023
Agreed pretrial order filed with the Court by	October 2, 2023	December 26, 2023
Trial briefs, proposed voir dire, jury instructions, agreed neutral statement of the case and deposition designations due by	October 2, 2023	December 26, 2023
Pretrial conference to be held at 1:30 pm on	October 13, 2023	January 5, 2024
FOUR DAY JURY TRIAL set for 09:00 AM	October 23, 2023	January 16, 2024

DATED this 6th day of September 2023.



David G. Estudillo
United States District Judge